

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SOLOTHAL THOMAS,

Petitioner,

v. // CIVIL ACTION NO. 1:11CV30
(Judge Keeley)

WARDEN TERRY O'BRIEN,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 9)
AND DISMISSING § 2241 PETITION WITHOUT PREJUDICE

On April 18, 2011, United States Magistrate Judge James E. Seibert issued a Report and Recommendation ("R&R"), that concluded the pro se petitioner, Solothal Thomas ("Thomas"), a prisoner in the custody of the Bureau of Prisons ("BOP"), had improperly filed this action relating to the conditions of his confinement (housing in administrative detention) under 28 U.S.C. § 2241. The Court notes that, even had this case been properly filed under § 2241, Thomas has not presented his complaint through the BOP's administrative remedy process.

Thomas did not file objections to the R&R, and the time to do so has expired. The Court therefore **ADOPTS** the R&R in its entirety, and **DISMISSES** the § 2241 petition **WITHOUT PREJUDICE**.

It is so **ORDERED**.

Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk to enter a separate judgment order and to transmit copies of it and

ORDER ADOPTING REPORT AND RECOMMENDATION

this Order to all appropriate agencies, and to the pro se petitioner via certified mail, return receipt requested.

Dated: July 20, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE